

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
(ADOT/PF)

TITLE VI
OF THE CIVIL RIGHTS ACT OF 1964
WORK PLAN

May 20, 1991
(Updated March 20, 1998)

CIVIL RIGHTS ACT OF 1964

Title VI--Nondiscrimination in Federally Assisted Programs

Sec. 602. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

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**PART I. ADOT/PF TITLE VI POLICY AND
USDOT STANDARD TITLE VI ASSURANCES**

A. ADOT/PF TITLE VI POLICY

ADOT/PF TITLE VI POLICY STATEMENT

It is the policy of the Alaska Department of Transportation and Public Facilities (ADOT/PF), in accordance with 49 CFR Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964), and 23 CFR Part 200 (Title VI Program and Related Statutes--Implementation and Review Procedures), Executive Order 12250, 23 USC 324 (Prohibition of Discrimination on the Basis of Sex), Title VIII of the Civil Rights Act of 1964, 23 U.S.C. 109(h), DOT Order 1050.2, the Civil Rights Restoration Act of 1987, and Executive Order 12898-Environmental Justice, that no person in the State of Alaska shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Department receives federal assistance from the Department of Transportation, including the Federal Highway Administration (FHWA).

Date

Joseph L. Perkins, P.E., Commissioner
State of Alaska
Department of Transportation
and Public Facilities

**PART I. ADOT/PF TITLE VI POLICY AND
USDOT STANDARD TITLE VI ASSURANCES**

B. USDOT STANDARD TITLE VI ASSURANCES

PART I

ADOT/PF TITLE VI POLICY AND USDOT STANDARD TITLE VI ASSURANCES

USDOT STANDARD TITLE VI ASSURANCES

The Alaska Department of Transportation and Public Facilities (ADOT/PF), (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with the Title VI of the Civil Rights Act of 1964, as amended, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to unequal treatment under any program or activity for which the Recipient receives Federal financial assistance from the U.S. Department of Transportation, including the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, Urban Mass Transportation Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances:

1. That the Recipient agrees that each "PROGRAM" and each "FACILITY" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a program) conducted, or will be (with regard to a facility) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federally Assisted Programs of the U.S. Department of Transportation and in adapted form in all bid proposals, contracts, and in all proposals for negotiated agreements.

The Alaska Department of Transportation and Public Facilities in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, C.F.R., U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation issued pursuant to such Act, hereby notifies all Bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprise firms will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin, in consideration for an award.

3. That the Recipient shall insert the clauses of applicable Appendices A or B in every contract subject to the Act and the Regulations.
4. That the clauses of Appendix C shall be included as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix D, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federally assisted programs of the U.S. Department of Transportation; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federally Assisted Programs of the U.S. Department of Transportation.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such programs will comply with all requirements imposed by, or pursuant to, the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

This ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under any Federally assisted Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federally-assisted programs of the U.S. Department of Transportation. The person or persons whose signatures appear below are authorized to sign this ASSURANCE on the behalf of the Recipient.

DATE

Joseph L. Perkins, Commissioner
State of Alaska
Department of Transportation
and Public Facilities

PART I

ADOT/PF TITLE VI POLICY AND USDOT STANDARD TITLE VI ASSURANCES

APPENDIX A

USDOT STANDARD TITLE VI ASSURANCES FOR CONSULTANTS

NONDISCRIMINATION: TITLE VI, CIVIL RIGHTS ACT OF 1964: During the performance of this Agreement, the CONSULTANT, for itself, its assignees and successors in interest (hereinafter referred to as the "CONSULTANT") agrees as follows:

1. **COMPLIANCE WITH REGULATIONS:** The CONSULTANT shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Contract.
2. **NONDISCRIMINATION:** The CONSULTANT with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the Agreement covers a program set forth in Appendix B and C of the Regulations.
3. **SOLICITATIONS FOR SUBCONTRACTS, INCLUDING PROCUREMENT OF MATERIALS AND EQUIPMENT:** In all solicitations either by competitive bidding or negotiation made by the CONSULTANT for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the CONSULTANT of the CONSULTANT's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.
4. **INFORMATION AND REPORTS:** The CONSULTANT shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Alaska Department of Transportation and Public Facilities, or the applicable Administration(s) of the U.S. Department of Transportation (e.g., FAA, FHWA, FRA, FTA), to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, the CONSULTANT shall so certify to the Alaska Department of Transportation and Public Facilities or the applicable Administration(s) of the U.S. Department of Transportation, (e.g., FAA, FHWA, FRA, FTA) as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the CONSULTANT's noncompliance with the nondiscrimination provisions of this Agreement, the Alaska Department of Transportation and Public Facilities shall impose such contract sanctions as it or the applicable Administration(s) of the U.S. Department of Transportation, (e.g., FAA, FHWA, FRA, FTA) may determine to be appropriate, including but not limited to:

- (a) withholding of payments to the CONSULTANT under the Agreement until the CONSULTANT complies; and/or
 - (b) cancellation, termination or suspension of the Agreement, in whole or in part.
- 6. CERTIFICATION OF NONSEGREGATED FACILITIES: The Federally-assisted CONSULTANT hereby certifies that the CONSULTANT does not maintain or provide for the CONSULTANT'S employees any segregated facilities at any of the CONSULTANT'S establishments, and that the CONSULTANT does not permit the CONSULTANT'S employees to perform their services at any location, under the CONSULTANT'S control, where segregated facilities are maintained. The Federally-assisted CONSULTANT certifies further that the CONSULTANT will not maintain or provide for the CONSULTANT'S employees any segregated facilities at any of the CONSULTANT'S establishments, and that the CONSULTANT will not permit employees of the Consultant to perform their services at any location, under the CONSULTANT'S control, where segregated facilities are maintained. The Federally-assisted consultant agrees that a breach of this Certification is a violation of the Equal Opportunity clause in this Agreement. As used in this Certification, the term "segregated facilities" means any waiting rooms and other storage or dressing rooms which are segregated by explicit directive or are in fact segregated on the basis of race, color, or national origin, because of habit, local custom, or otherwise.
- 7. INCORPORATION OF PROVISIONS: The CONSULTANT shall include the provisions of paragraphs (1) through (7) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives pursuant thereto. The CONSULTANT shall take such action with respect to any subcontractor or procurement as the Alaska Department of Transportation and Public Facilities or the applicable Administration(s) of the U.S. Department of Transportation, (e.g., FAA, FHWA, FRA, FTA) may direct as a means of enforcing such provisions including sanctions of noncompliance; provided, however, that in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the CONSULTANT may request the Alaska Department of Transportation and Public Facilities to enter into such litigation to protect the interests of the State, and in addition, the CONSULTANT may request the United States to enter into such litigation to protect the interests of the United States.

PART I

ADOT/PF TITLE VI POLICY AND USDOT STANDARD TITLE VI ASSURANCES

APPENDIX B

USDOT STANDARD TITLE VI ASSURANCES FOR CONTRACTORS

NONDISCRIMINATION: TITLE VI, CIVIL RIGHTS ACT OF 1964: During the performance of this contract, the CONTRACTOR, for itself, its assignees, and successors in interest (hereafter referred to as the "CONTRACTOR") agrees as follows:

1. **COMPLIANCE WITH REGULATIONS:** The CONTRACTOR shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of the Contract.
2. **NONDISCRIMINATION:** The CONTRACTOR with regard to the work performed by it during the Contract, shall not discriminate on the grounds of race, color, sex, or national origin, in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The CONTRACTOR shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the Contract covers a program set forth in Appendix B and C of the Regulations.
3. **SOLICITATIONS FOR SUBCONTRACTS, INCLUDING PROCUREMENT OF MATERIALS AND EQUIPMENT:** In all solicitations either by competitive bidding or negotiation made by the CONTRACTOR for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the CONTRACTOR of the CONTRACTOR's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, sex, or national origin.
4. **INFORMATION AND REPORTS:** The CONTRACTOR shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to books, records, accounts, other sources of information and its facilities as may be determined by the Alaska Department of Transportation and Public Facilities to be pertinent to ascertain compliance with such regulations or directives. Where any information required of a CONTRACTOR is in the exclusive possession of another who fails or refuses to furnish this information, the CONTRACTOR shall so certify to the applicable Administration(s) of the U.S. Department of Transportation (e.g. FAA, FHWA, FRA, FTA), as appropriate, and shall set forth what efforts it has made to obtain this information.
5. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the CONTRACTOR's non-compliance with the nondiscrimination provisions of the Contract, the Alaska Department of Transportation and Public Facilities shall impose such contract sanctions as it or the applicable Administration(s) of the U.S. Department of Transportation (e.g., FAA, FHWA, FRA, FTA) may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the CONTRACTOR under the Contract until the CONTRACTOR complies; and/or
 - (b) cancellation, termination or suspension of the Contract in whole or in part.
- 6. **CERTIFICATION OF NONSEGREGATED FACILITIES:** The Federally-assisted contractor hereby certifies that the CONTRACTOR does not maintain or provide for the CONTRACTOR'S employees any segregated facilities at any of the CONTRACTOR'S establishments, and that the CONTRACTOR does not permit employees to perform their services at any location, under the CONTRACTOR'S control, where segregated facilities are maintained. The Federally-assisted contractor certifies further that the CONTRACTOR will not maintain or provide for employees any segregated facilities at any of the CONTRACTOR'S establishments, and that the CONTRACTOR will not permit the CONTRACTOR'S employees to perform their services at any location, under the CONTRACTOR'S control, where segregated facilities are maintained. The Federally-assisted contractor agrees that a breach of this Certification is a violation of the Equal Opportunity clause in this contract. As used in this Certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms, and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, or national origin, because of habit, local custom or otherwise.
- 7. **INCORPORATION OF PROVISIONS:** The CONTRACTOR shall include the provisions of paragraphs (1) through (7) in every subcontract, including procurement of materials and leases of equipment unless exempt by the Regulations, or directives issued pursuant thereto. The CONTRACTOR shall take such action with respect to any subcontractor or procurement as the Alaska Department of Transportation and Public Facilities or the applicable Administration(s) of the U.S. Department of Transportation (e.g., FAA, FHWA, FRA, FTA) may direct as a means of enforcing such provisions including sanctions for noncompliance; provided wheresoever, that in the event a CONTRACTOR becomes involved in, or is threatened with, litigation with a subcontractor, or supplier as a result of such direction, the CONTRACTOR may request the Alaska Department of Transportation and Public Facilities to enter into such litigation to protect the interests of the State, and in addition, the CONTRACTOR may request the United States to enter into such litigation to protect the interests of the United States.

PART I

ADOT/PF TITLE VI POLICY AND USDOT STANDARD TITLE VI ASSURANCES

APPENDIX C

USDOT STANDARD TITLE VI ASSURANCES FOR DEEDS

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the U.S. Department of Transportation, as authorized by law, and upon the condition that the State of Alaska, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (73 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Alaska all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the State of Alaska and its successors forever, subject, however, to the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the said property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Alaska, its successors and assigns.

The State of Alaska, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed[,] [and]* (2) that the State of Alaska, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the U.S. Department of Transportation shall have a right to re-enter said lands and facilities on said land and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this deed.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

PART I

ADOT/PF TITLE VI POLICY AND USDOT STANDARD TITLE VI ASSURANCES

APPENDIX D

USDOT STANDARD TITLE VI ASSURANCES FOR DEEDS, LICENSES, LEASES, PERMITS, ETC.

The following clauses shall be included in all deeds, licenses, leases, permits or similar instruments entered into by the State of Alaska, pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc) for a purpose for which a U.S. Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.,) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above non-discrimination covenants, the State of Alaska, shall have the right to terminate the [licenses, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.) had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above non-discrimination covenants, The State of Alaska, shall have the right to re-assign facilities shall thereupon revert to and vest in and become the absolute property of the State of Alaska and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the State of Alaska, pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest and assigns, as part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with

all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above non-discrimination covenants, the State of Alaska, shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above non-discrimination covenants, the State of Alaska, shall have the right to re-assign said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Alaska, and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

PART II. MANAGEMENT

A. DEFINITION OF TERMS

B. DBE/ExEEO OFFICE

C. TITLE VI MONITORING AND REVIEW

D. COMPLAINT PROCEDURE

PART II. MANAGEMENT

A. DEFINITION OF TERMS

PART II

MANAGEMENT

A. DEFINITION OF TERMS

1. **Alaska Department of Transportation/Public Facilities (ADOT/PF).** The cabinet-level department responsible for the transportation systems and public facilities under acquisition, under construction, or owned by the State of Alaska, and the primary recipient of FHWA funds in the State of Alaska. Hereafter referred to as the "Department". The Department consists of three regional sections (Northern Region, Central Region, and Southeast Region) and two modal sections (Alaska Marine Highway System and Alaska International Airport System).
2. **Annual Title VI Update.** The annual Title VI report from ADOT&PF to FHWA that covers the monitoring, reporting, and reviewing required by this Title VI Work Plan.
3. **Categorical Exclusion (CE).** The environmental document required when the effects of a project are known and have no significant individual or cumulative environmental impacts.
4. **Citizen Advisory Group (CAG).** A committee requested by the Department and established by a local government body (community council, etc.) of an impacted community during the development of a project. Through the CAG, the Department becomes aware of the community's needs and informs the community of its options and the decision making process to be used by the Department during the development of a project.
5. **Contracting Officer.** Officials designated in the Department's Policy and Procedure 10-0017, Delegation of Authority, to serve as the Commissioner's representative and who have been given authority to sign contracts and make contracting decisions on the Commissioner's behalf.
6. **Disadvantaged Business Enterprise/External Equal Employment Opportunity (DBE/ExEEO) Office.** The office of the Department responsible for implementing, administering, and monitoring the Department's external affirmative action and civil rights programs mandated by the USDOT which include EEO, the Disadvantaged Business Enterprise (DBE) Program and related Supportive Services, Training Special Provisions (also known as On the Job Training (OJT)) and related Support Services, Title VI, and Contract Compliance.
7. **Disadvantaged Business Enterprise (DBE) Program.** An affirmative action program mandated by the federal government under 49 CFR Part 23. The primary goal of the program is to maximize opportunities for the participation of women and minority owned firms on federally funded projects.
8. **Environmental Assessment (EA).** The environmental document that determines the scope of impact(s) of a project (where the scope of impact(s) is undetermined). An EA concludes with

one of two findings: 1) The need for an Environmental Impact Statement, or; 2) a Finding Of No Significant Impact (FONSI).

9. **Environmental Impact Statement (EIS).** The environmental document that identifies and analyzes the impacts of a project, develops and analyzes various alternatives, and recommends solution(s). Required on projects where the scope of impacts are known and contain significant individual or cumulative environmental effects.
10. **Federal Aviation Administration (FAA).** A branch of U.S. Department of Transportation responsible for administering the nation's air transportation system.
11. **Federal Highway Administration (FHWA).** A branch of the U.S. Department of Transportation responsible for administering the nation's highway system.
12. **Federal Transit Authority (FTA).** A branch of U.S. Department of Transportation responsible for administering the nation's mass transit systems.
13. **Interpreter.** A person who is able to translate from one language to another.
14. **Alaska Marine Highway System.** A modal section of the Department that administers and operates the State ferry system.
15. **Motor Carrier Safety Assistance Program (MCSAP).** A FHWA funded program that enforces the safety of commercial highway vehicles.
16. **Mitigation.** Actions designed to lessen any adverse impacts of the Department's activities.
17. **Professional Services Agreement (PSA).** A contract between a State agency and an private consultant for the provision of professional services.
18. **Program Areas.** Functional sections within the Department, e.g.: National Highway Institute Administration and Technology Transfer; Planning; Design (Preliminary Design and Environmental, Final Design, and Contracts); Right-of-Way (ROW); Motor Carrier Safety Assistance Program;and Construction.
19. **Regions (Northern, Southeast and Central).** The three regional sections of the Department delineated by geographic boundaries, each containing all the Program Areas (as listed above), and together covering the entire State.
20. **Sub-recipients.** Local governing bodies--generally cities and municipalities--that receive "pass-through" FHWA funds from the Department.
21. **Title VI Specialist.** An employee of the DBE/ExEEO Office who is a trained Title VI specialist responsible for coordinating, monitoring, training, and reporting on Title VI requirements within the Department.
22. **United States Department of Transportation (USDOT).** The Cabinet-level department of the U. S. Government responsible for overseeing the nation's transportation systems.

PART II. MANAGEMENT

B. DBE/ExEEO OFFICE

PART II

MANAGEMENT

B. DBE/ExEEO OFFICE

1. Staffing

The Statewide DBE/ExEEO Office of the Alaska Department of Transportation and Public Facilities is responsible for implementing, administering, and monitoring the Department's affirmative action and civil rights programs mandated by USDOT including EEO, the Disadvantaged Business Enterprise (DBE) Program and related Supportive Services, On the Job Training/Training Special Provisions and related Support Services, and Contract Compliance, as well as implementing and monitoring Title VI efforts.

The Chief of the Statewide DBE/ExEEO Office reports to the Deputy Commissioner who reports directly to the Commissioner. Under the matrix management structure of the Department, DBE/ExEEO Office management and staff have direct access to all levels of the Department's management. Given the Department's size and encompassing authority over public construction (including highways, harbors, airports, courthouses, and other public buildings) and transportation systems (including the Alaska Marine Highway System and International Airports), the office's position within the Deputy Commissioner's office provides "easy access" to the Commissioner for the purposes of Title VI as required by 23 CFR 200.9(b)(1).

The Statewide DBE/ExEEO Office has an authorized staffing of 8 full-time positions and one seasonal, headed by the Manager, Statewide DBE/ExEEO Office. See Figure 1, page 27. Program Managers directly under the Manager have responsibilities as follows:

- a. Support Services (EEO & OJT Programs; OJT Support Services; DBE Support Services; and Federal Reporting).
- b. Technical Support and Compliance (Contract Compliance--DBE, EEO, & OJT; Title VI Specialist; and DBE Program Goal Setting and Commercially Useful Function).

2. ADOT/PF Staff Responsibilities

- a. The Title VI Specialist in the DBE/ExEEO Office will:
 - 1) Work with Section Chiefs to assist Project Managers, Planners, Contract Managers, and Personnel Officers in developing, coordinating, and maintaining Title VI program procedures.
 - 2) Monitor program areas for compliance with Title VI.
 - 3) Receive Title VI reporting forms from the Program Areas.
 - 4) Compile data based on Title VI regulations for inclusion in the Annual Title VI Update.
 - 5) For the Department's projects that contain Title VI issues, review and comment on the environmental document during drafting to assure compliance with Title VI.
 - 6) Develop and submit the Annual Title VI Update to the Federal Highway Administration (FHWA) for approval.

- 7) Provide Title VI guidance and training to Department personnel in Program Areas.
 - 8) Conduct audits of sub-recipients.
 - 9) Develop and maintain a list of interpreters with foreign and Alaska native language skills who would be available for the public hearings and meetings.
 - 10) Attend public meetings and hearings conducted by the Department, as spelled out by this document.
 - 11) Provide technical assistance and oversight to ADOT/PF personnel.
 - 12) Provide leadership in Title VI implementation.
 - 13) Assist in the investigation, processing, and adjudication of any Title VI complaints.
 - 14) Provide Title VI related information in other languages, to the general public, where applicable.
 - 15) Write the Title VI Annual Update.
- b. Project Managers, Planners, Contract Managers, and Personnel Officers in the three regions and the two modal systems will report to the Title VI Specialist as outlined in the Monitoring and Review Section of this Plan. Section Chiefs will be responsible for overseeing that Project Managers/Planners/Contract Managers/Personnel Officers complete and transmit reporting forms to the Title VI Specialist. Section Chiefs will also work with the Title VI Specialist to:
- 1) Determine training needs and to identify individuals who should attend classes; assist in pre-training activities (sending out notices, obtaining facilities, etc.) and serve as a resource to the DBE/ExEEO Office in designing training courses.
 - 2) Provide technical assistance during the conduct of sub-recipient audits.

3. Statewide Services Provided by the Civil Rights Office

The Title VI Specialist provides a variety of services (as defined in this document) to the Department in fulfillment of this Title VI Work Plan.

Figure 1

PART II. MANAGEMENT

C. TITLE VI MONITORING AND REVIEW

PART II

MANAGEMENT

C. TITLE VI MONITORING AND REVIEW

In addition to the involvement and participation of the Title VI Specialist in the Program Areas, the Title VI Specialist will conduct a review each year of two Program Areas to determine the effectiveness of the Program Areas' procedures in meeting the requirements of Title VI.

Project Managers/Planners/Contract Managers, as they are found in the following Program Areas--NHI Training Administration; Planning; Design (Preliminary Design & Environmental, Final Design, and Contracts); Right-of-Way; Construction; and Research--will be responsible for Title VI reporting in accordance with this Plan. Required reporting will be completed promptly and forwarded to the Title VI Specialist, at the end of each quarter of the calendar year, for monitoring and reporting. The Title VI Specialist will review incoming information from the various areas to assure that Title VI reporting is being done correctly and that the Department is meeting the requirements of Title VI. The Title VI Specialist will compile data received from Project Managers/Planners/Contract Managers for reporting to the FHWA. Information received from each section will include, but not be limited to: statistics, attendance lists, records of programs and activities, accomplishments, and other data deemed necessary by the Title VI Specialist to determine compliance with Title VI requirements.

Monitoring and reporting procedures for the Program Areas are as follows:

1. NHI Training Administration and Technology Transfer.

- a. **Identification of Impact:** Training administration impacts the Department's employees through administering NHI produced training courses from the annual NHI course catalogue. Technology Transfer is a program that facilitates the exchange of technical information related to highways.
- b. **Mitigation Measures:** The Technology Transfer newsletter and NHI training courses are offered to ADOT/PF employees without consideration of race or gender.
- c. **Public Involvement:** To advertise training, NHI Training administration uses the Technology Transfer's newsletter, *Technology for Alaskan Transportation*, which is sent to all interested parties including Department personnel, local government borough offices, statewide media, legislative offices, and the Alaska Associated General Contractors.
- d. **Benefits and Services:** Departmental personnel are provided training and access to the NHI and Technology Transfer programs in a non-discriminatory manner.
- e. **Reporting Requirements:** NHI Training administration will report attendance at NHI courses by race and gender to the Title VI Specialist. The Title VI Specialist will summarize these reports for the Annual Title VI Update.

Also, during the annual program area review, the Title VI Specialist will collect all training records from one of the sections being reviewed. The ethnicity and gender of those receiving training will be compared against the ethnicity and gender of the section's work force as a whole. This comparison will also be included in the NHI Training section of the Annual Title VI Update.

2. Planning.

- a. **Identification of Impacts:** Planning impacts communities, villages, neighborhoods, etc., by scoping and scheduling projects. These projects consist of capital improvements and Master Plans. Planning impacts the professional consultant community by administering consultant contracts for Master Plans. The procedure Planning follows is given in the Section 6, Consultant Contracts.
- b. **Mitigation Measures:** In urban areas, Planning scopes and schedules projects using joint ADOT/PF-local government cooperative planning organizations, e.g. Anchorage Metropolitan Area Transportation Study (AMATS). The Title VI Specialist will be included in the review and update of this process. The Title VI Specialist will keep a record of instances when Title VI issues arise and the manner in which they were addressed.

During the planning phase, the Title VI issues of any given project may be unknown because at this time there is no project development funding--as a result, no project specifics or alternatives have been generated. Project specific Title VI issues are addressed through the environmental document process.

During Master Plan development, the responsible Planner will evaluate the scope of the Master Plan. If the Master Plan covers Title VI issues, the Title VI Specialist will be included in the review process to assure that any Title VI issues that may arise in the Master Plan will be properly addressed.

- c. **Public Involvement:** Planning seeks public involvement through public hearings and public meetings that the Planning Section conducts. Also, Central Region Planning uses Citizen Advisory Groups (CAG) for some of its functions. When a CAG is used, the same monitoring and reporting procedures will be used as those specified in Section 3a. Design.

- 1. **Public Hearings.** The public hearings conducted by Planning are hearings for the development of Master Plans.

- 2. **Public Meetings.** The public meetings Planning attends and participates in are meetings held: 1) jointly with the various ADOT/PF-local government cooperative planning agencies to discuss the Six-Year Capital Improvement Plan (CIP), the document that establishes the priorities of the CIP projects for their area, or; 2) at smaller communities that do not have a joint cooperative planning agency with the Department, but where there are upcoming CIP project(s).

For both public hearings and public meetings (hereafter referred to as meetings), the monitoring and reporting process will be the same. The Planner will coordinate with the Title VI Specialist before the meeting, if there are any Title VI issues. For any meeting where there are Title VI issues, the Title VI Specialist will either attend the meeting or discuss the Title VI issues with the Planner to assure that any Title VI issues that come up at the meeting are identified and properly addressed. Also, for any

meeting that has Title VI issues, the Planner will decide whether the services of an interpreter will be needed. If an interpreter is needed, the Planner will notify the Title VI Specialist. The Title VI Specialist will make the necessary arrangements to have an interpreter attend the meeting.

Information regarding attendance of the meeting will be recorded on the Public Hearing/Meeting Reporting Form. Completing this form will be the responsibility of the Planner, unless the Title VI Specialist is in attendance, in which case it will be the responsibility of the Title VI Specialist.

d. **Benefits and Services:** Contracting opportunities for women and minority owned planning consultants will be optimized. Opportunities for involvement of all people including women and minorities at public hearings held for Master Plans will be optimized. By working with local government cooperative planning organizations, Planning will enable local communities to provide input into the planning process allowing the local communities to assure accessibility to employment, schools, health care, churches, emergency services, transportation services, and other community facilities.

e. **Reporting Requirements.** The reporting requirements that arise from Planning activities are as follows:

1. For each consultant contract administered by Planning, the Contract Manager will report to the Title VI Specialist using a copy of the contract's Record of Negotiation and Selection (RONS) For Professional Services Agreements. The Title VI Specialist will keep and compile these forms for the Annual Title VI Update.

2. For each public hearing/CIP public meeting/Master Plan where the Planner determines that there are no Title VI issues, the Planner will document this finding and compile a record for the Annual Title VI Update using the Public Hearing/Meeting Form.

3. For each public hearing/CIP public meeting/Master Plan where the Planner determines that there are Title VI issues, the Title VI Specialist will document the Title VI issues. The Title VI Specialist will also document: 1) how these issues were addressed, and; 2) the final resolution of the Title VI issues in the planning process using the appropriate form. This information will be compiled for the Annual Title VI Update.

3a. Design (Preliminary Design & Environmental, and Final Design).

a. **Identification of Impacts.** The Design process impacts communities, neighborhoods, villages, etc., by developing projects from the general scope that Planning defines to a final set of plans and contract specifications ready for construction.

The Design Section impacts the professional consultant community by administering consultant contracts for design engineering, surveying, etc. The procedure Design follows is given in Section 6, Consultant Contracts.

- b. **Mitigation Measures.** The Design Section uses the following procedures to assure that the Department's projects are developed consistent with Title VI.

Overall Project Development.

23 CFR Part 771.105(f) requires that all FHWA projects be developed consistent with Title VI. Executive Order 12898-Environmental Justice, establishes further civil rights requirements regarding non-discrimination in environmental considerations and decisions made by the Department. The mechanism established by the CFR to guide and oversee project development is the environmental document. As mandated by the CFR, all projects that have any potential Title VI impacts are subject to investigation and evaluation by either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). (For projects with no significant impacts the environmental document is called a Categorical Exclusion (CE)). To insure that the Department's projects are developed consistent with the requirements of Title VI, the Title VI Specialist will be notified at the time a project is determined to require the drafting of an EIS or EA. Upon notification, the Title VI Specialist will confer with the Project Manager to determine whether or not the project has any Title VI issues. Ethnic information regarding impacted neighborhoods is acquired from the appropriate municipality/local community council. For all projects where there are Title VI issues, the Title VI Specialist will be included in the review and comment process of the EIS/EA to assure that Title VI issues are properly understood, addressed, and mitigated. This process will assure that all Title VI issues of the Department's projects are resolved during the design phase.

c. **Public Involvement.**

1. **Public Hearings.** For each project requiring an EA or EIS, 23 CFR Part 771 mandates the Department advertise for Notice of Opportunity for Public Hearing. The Department advertises each Notice of Opportunity for Public Hearing in such periodicals as are necessary to provide optimum coverage of the affected area to maximize opportunities for awareness by all people affected including women and minorities. The Public Hearing process requires a formal transcript be made of the hearing and that all verbal or written comments presented at the hearing or submitted as part of the hearing be addressed.

When public response requires the holding of a Public Hearing, the Project Manager will evaluate the project for potential Title VI issues. For any project where there are Title VI issues, the Title VI Specialist will either attend the Public Hearing or review the transcript of the hearing to assure that any Title VI issues that come up at the hearing are identified and properly addressed. Information collected through public hearings are included in the environmental document where the Title VI Specialist will be involved to assure that the Title VI issues are properly mitigated. Also, for any hearing that has Title VI issues, the Project Manager will decide whether the services of an interpreter will be needed. If needed, the Title VI Specialist will be responsible for making the necessary arrangements. Information regarding attendance of the Public Hearing will be recorded on a copy of the Public Hearing Reporting Form. Completing the Public Hearing Reporting Form will be the responsibility of the Title VI Specialist, if in attendance, otherwise the Project Manager.

2. **Citizen Advisory Groups.** During the development of a project, the Department often finds community support and understanding for a project can be increased by creating a Citizen Advisory Group (CAG). This is done to help bring the impacted community into the project development process. The method of creating a CAG will be as follows:

The Project Manager will call the local community council (or appropriate local governing body) of the impacted community and ask for the appointment of a group of community members. Specifically, the Project Manager will request the community council to choose 3-5 people. The Project Manager will emphasize the importance of obtaining members for the group that represent a cross-section of the makeup of the community, including at least one woman and, if the community has an ethnic component, a member from that part of the community.

This group helps to bring the community's wishes into the design process **and** explain to the community the design process and any design or monetary constraints that may block the wishes of the community.

For projects where the Project Manager has identified Title VI issues, the Project Manager will report to the Title VI Specialist using the following procedure: After the CAG has been appointed and the Project Manager has met with the CAG, the Project Manager will report to the Title VI Specialist the actual make-up of the CAG using the Citizen's Advisory Group Reporting Form.

- d. **Benefits and Services:** All projects (including those with Title VI issues) will be designed with the assurance that all people will have equal treatment and all will realize equal benefit from the projects designed and constructed by the Department.
- e. **Reporting Requirements.** The reporting requirements that arise from Design activities are as follows:
 - 1. For each consultant contract administered by Design, the Contract Manager will report to the Title VI Specialist using a copy of the contract's Record of Negotiation and Selection (RONS) for Professional Services Agreements. The Title VI Specialist will keep and compile these forms for the Annual Title VI Update.
 - 2. For each public hearing where the Project Manager determines that there are no Title VI issues, the Project Manager will document this finding and send it to the Title VI Specialist for the Annual Title VI Update using the Public Meeting/Hearing Form.
 - 3. For each public hearing where the Project Manager determines that there are Title VI issues, the Title VI Specialist will document the Title VI issues. The Title VI Specialist will also document: 1) how these issues were dealt with in the meeting, and; 2) the final resolution of the Title VI issues in the project development process using the Public Meeting/Hearing Form. This information will be compiled for the Annual Title VI Update by the Title VI Specialist.
 - 4. For each project where there has been assembled a Citizen Advisory Group and the Project Manager has identified Title VI issues, the Project Manager will fill out the Citizen Advisory Group Form and transmit the form to the Title VI Specialist. The Title VI Specialist will keep and compile these forms for the Annual Title VI Update.
 - 5. For the Annual Title VI Update, the Title VI Specialist will: 1) Compile a list of all EA's and EIS's that found no Title VI impacts, and; 2) for all EIS's and EA's that did identify Title VI impacts, write a short summary of the issues and how the issues were resolved consistent with Title VI.

3b. Design (Contracts).¹

- a. **Identification of Impacts:** Contracts impacts the construction community (contractors, subcontractors, manufacturers, and suppliers) by advertising the Department's construction contracts.
- b. **Mitigation Measures:** Contracts advertises the Department's construction projects using the Department's Public Notice Procedures. When available, Contracts utilizes women and minority plan-holder organizations to make plans of advertised projects available for review. To help women and minority owned businesses understand the process the Department uses to advertise its projects, the DBE/ExEEO Office will include in its mailouts to DBE's the Department's Public Notice Procedures that the Department uses to advertise its projects.
- c. **Public Involvement:** Contracts has no direct public involvement.
- d. **Benefits and Services:** Opportunities for all contractors, subcontractors, manufacturers, suppliers, and brokers, including those owned by women and minorities, to be aware of the Department's projects during the time projects are being advertised, will be optimized.
- e. **Reporting Requirements.** Because Contracts has no direct public involvement and does not administer any consultant contracts, they will not be reporting to the Title VI Specialist. The DBE/ExEEO Office will include copies of DBE mailouts in the Annual Title Vi Update.

4. Right-of-Way

- a. **Identification of Impacts:** The Right-of-Way Section impacts communities, villages, neighborhoods, etc., through the management of property, acquisition of property, and the relocation of individuals, businesses, farms, and non-profit organizations.

The Right-of-Way Section impacts the community of real estate appraisal firms, title companies, engineering firms, and property management firms by advertising and administering consultant contracts. The procedure Right-of-Way follows in administering these contracts is given in Section 6, Consultant Contracts.

- b. **Mitigation:** For each household Right-of-Way will be relocating or acquiring property from, the apparent ethnic make-up of the household is duly noted. The Right-of-Way Section uses the procedures given in the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs that assure the all relocations are done in a non-discriminatory manner.

All relocatees are given equal opportunity to relocate to decent, safe, and sanitary replacement dwellings of their choosing, that are within their financial means, in a non-discriminate manner.

¹ This section deals only with construction contracts. For consultant contracts see Section 7, Consultant Contracting.

c. **Public Involvement:** Right-of-Way attends, in an advisory capacity, public hearings that are conducted by Planning and Design, but does not advertise or hold public hearings directly. The monitoring and reporting of public hearings held by Design and Planning is accomplished by the Section holding the hearing.

d. **Benefits and Services:** All persons, including those relocated from minority neighborhoods, will have the opportunity to relocate in decent, safe, and sanitary housing of their choice.

Opportunities for utilization of women and minority owned real estate appraisal firms, title companies, engineering firms, and property management firms will be optimized.

e. **Reporting Requirements.** The reporting requirements that arise from Right-of-Way activities are as follows:

1. For each real estate appraisal contract administered by Right-of-Way the Contract Manager will report to the Title VI Specialist using a copy of the contract's Record of Negotiation and Selection (RONS) for Professional Services Agreements. The Title VI Specialist will keep and compile these forms for the Annual Title VI Update.

2. For each project involving relocation of businesses and/or homeowners, the Relocation and Property Management Supervisor will report to the DBE/ExEEO Office the total number of businesses/homeowners relocated along with the number of women/minority owned businesses and minority homeowners relocated, as recorded in the Right-of-Way agent's diary.

5. Construction.

a. **Identification of Impacts:** Construction impacts the community by administering and monitoring construction projects. These contracts provide contracting opportunities and jobs in the construction industry.

Construction projects create transient conditions of congestion, temporary re-routing of traffic, etc. that can impact homeowners, businesses, etc.

b. **Mitigation:** Federally funded construction contracts require that Prime Contractors seek out minority and women owned firms as subcontractors, manufacturers, suppliers, and/or brokers. The DBE/ExEEO Office publishes a monthly directory of certified DBEs and mails this directory to all prime contractors, etc. that request it.

Detours, etc, are routed with safety to the traveling public as the over-riding concern. Construction personnel meet with business owners to minimize construction impacts to their businesses.

c. **Public Involvement:** The Construction Section attends local community council meetings and meets with impacted businesses, homeowners, etc. before and during construction to explain the transient impacts of the project regarding detours, road closures, etc.

- d. **Benefits and Services:** Opportunities for utilization of minority and women owned subcontractors, manufacturers, suppliers, and brokers (DBE's) on the Department's construction projects are increased. Through the directory, prime contractors will have easy access to all DBEs certified by ADOT/PF.
- e. **Reporting Requirements.** The Construction Compliance Officer will transmit to the Title VI Specialist a copy of the Preconstruction Conference Synopsis showing that the Title VI aspects of the contract have been discussed. This information will be compiled by the Title VI Specialist for the Annual Title VI Update.

6. Research.

ADOT&PF Headquarters Design and Engineering Services oversees research activities using an Advisory Board to select projects. The Advisory Board is composed of nine ADOT&PF personnel and one FHWA representative. A substantial portion of research projects are done in-house at ADOT&PF through the Headquarters and Regional Materials Sections. The University of Alaska Fairbanks is regularly used to perform research projects for ADOT&PF. There is also occasional use of other universities when it is necessary to go out of state to find the facilities and expertise required. These educational institutions comply with their own non-discrimination programs.

Reporting Requirements. The following information will be reported in the Annual Title VI Update.

- i. The number of research projects currently under way.
- ii. A list of universities and/or consultants currently conducting research projects.
- iii. Actions taken to encourage participation of minority and women students in research projects conducted at universities.
- iv. A summary of actions taken to increase minority and women consultant firms in obtaining research projects.
- v. A list of significant actions planned for the upcoming year.

7. Consultant Contracting.

- a. **Identification of Impacts:** Various sections of the Department impact the consultant community by advertising and administering consultant contracts for master plans, environmental studies, surveying, engineering, architecture, real estate appraisal, etc.
- b. **Mitigation Measures:** The Department includes a Title VI non-discrimination clause in all consultant contracts. On federally funded PSAs, the Department actively seeks to optimize opportunities for women and minority owned businesses (DBE's) to participate in the Department's consultant contracts. The method for achieving this is as follows:

Consultant Contracts not exceeding \$25,000.

1) For consultant contracts not exceeding \$25,000, the Contract Manager will select three firms to solicit proposals from. One of the three firms solicited must be a DBE if there is a DBE listed in the Department's DBE Directory that is certified to perform the services sought. Each proposal will be evaluated on its own merits and the contract will be awarded accordingly.

For each contract, the Contract Manager will report to the Title VI Specialist using a copy of the contract's Record of Negotiation and Selection (RONS) for Professional Services Agreements.

Consultant Contracts exceeding \$25,000

2) For consultant contracts exceeding \$25,000, the Department shall:

- a. Advertise the Request for Proposal in the Alaska Administrative Journal, newspapers most likely to reach interested parties, and any available minority media and professional publications. The DBE/ExEEO Office will inform DBE's of publications regularly used to advertise consultant contracts.
- b. Assign a weighting factor (the minimum weight is 10) in each RFP for utilization of DBE's to be used in ranking offerors proposals.
- c. For each consultant contract, the Contract Manager will provide a completed Record of Negotiation and Selection (RONS) for Professional Services Agreements to the Title VI Specialist in the Statewide DBE/ExEEO Office.

- c. **Public Involvement:** There is no public involvement during the awarding of consultant contracts.
- d. **Benefits and Services:** Opportunities for the utilization of women and minority owned consultants by the Department is optimized.
- e. **Reporting Requirements.** Reporting requirements for consultant contracts are given in this document in each Program Area that administers professional service contracts.

8. Alaska Marine Highway System.

Overview. The Alaska Marine Highway System (AMHS) is the section of the Department that operates the State's ferry system. AMHS has facilities and serves ports in the Department's Central Region and Southeast Region, Canada, and the state of Washington.

The Program Areas of AMHS are listed below. Any differences in impacts, mitigation measures, public involvement, benefits and services, or reporting requirements for the various Program Areas of AMHS will be noted.

- a. **Planning.** Public involvement during the planning phase is accomplished by presenting the AMHS Six-Year Capital Improvement Plan (CIP) for comment and review at annual Southeast Regional

Conference and at the annual Southwest Regional Conference. Reporting requirements will be the same as given in Section 1, Planning.

- b. **Design.** No differences between AMHS procedures and the procedures given in Section 2, Design. AMHS uses Southeast Region Contracts for advertising and awarding CIP projects. Reporting requirements will be the same as given in Section 2, Design.
- c. **Right-of-Way.** AMHS Right-of-Way procedures, including reporting requirements, are the same as given in Section 3, Right-of-Way.
- d. **Construction.** AMHS Construction procedures, including reporting requirements, are the same as given in Section 4, Construction.
- e. **Consultant Contracting.** AMHS Consultant Contracting procedures are the same as given in Section 6, Consultant Contracting. For each consultant contract administered by AMHS, the Contract Manager will provide a completed DBE Title VI Report to the Title VI Specialist in the Statewide DBE/ExEEO Office. The Title VI Specialist will keep and compile these forms for the Annual Title VI Update.

- 9. Motor Carrier Safety Assistance Program (MCSAP).** The MCSAP Program enforces the safety of commercial highway carriers. The principal area where Title VI issues must be addressed is contracting. For each consultant contract administered by MCSAP, the Contract Manager will provide a completed DBE Title VI Report to the Title VI Specialist in the Statewide DBE/ExEEO Office. The Title VI Specialist will keep and compile these forms for the Annual Title VI Update.

10. International Airports.

On occasion, FHWA funds are used for improvements to roads located on airports owned by ADOT/PF. These projects are designed and constructed using regional highway design staff from the region in which the airport is located. The Title VI monitoring and reporting will be accomplished by the various program areas in the same manner as they would for any other FHWA project.

11. Sub-recipients.

As sub-recipients of federal monies from the Alaska Department of Transportation and Public Facilities, the Municipality of Anchorage, the City of Fairbanks, Fairbanks North Star Borough, and the City and Borough of Juneau, and others as appropriate, will be reviewed by the Title VI Specialist during the first quarter of even numbered years using the attached questionnaire (Figure 2).

SUB-RECIPIENT REVIEW QUESTIONNAIRE

These questions will be used as a starting point for a Title VI Review of Sub-Recipients. A variety of follow-up questions may be used. Additional questions may be taken directly from the appropriate Appendix of FHPM 2.1.2.

1. Have you been reviewed during this period for Title VI compliance by any other modal element of the U. S. Department of Transportation? If so, please describe the review.
2. Have you certified your compliance with Title VI to any other modal element of the U. S. Department of Transportation? If so, by what method?
3. What is the composition of your staff?
4. How has your staff been trained in Title VI responsibilities?
5. Do you have a Title VI complaint procedure? If so describe (copy may be obtained.)
6. Who conducts complaint investigations? How are they trained?
7. How has your staff been acquainted with the complaint procedure?
8. What statistics are kept on beneficiaries?
9. How are minority group concerns made known in a timely manner?
10. How is the general public acquainted with the complaint procedure? The non-English speaking public?
11. Which complaint statistics are compiled? How?
12. How are the statistics for the review period compiled?
13. Do you have a DBE Program? Has it been approved by any modal element of the U. S. Department of Transportation, i.e., FTA, FAA, etc., or approved by ADOT/PF?
14. Have you submitted a DBE Assurance Statement?

PART II. MANAGEMENT

D. COMPLAINT PROCEDURE

PART II

MANAGEMENT

D. COMPLAINT PROCEDURE

The Civil Rights Office will ensure that the Department's Title VI Complaint Procedure provides for:

1. Notification to the public of the State's Title VI policy, right to file complaints of discrimination, the 180-day time limit for filing Title VI complaints, and avenues of appeal.
2. Notification of the FHWA of Title VI complaints.
3. Processing, investigation and resolution of complaints, including time frames.
4. Description of the avenues of appeal.
5. Notification to complainants of decisions on complaints and further rights.
6. Clarification of the types of alleged acts of Title VI discrimination which are subject to resolution under the terms of a Department Contract, complaints filed with the Civil Rights Office, or complaints filed another State agency such as the Governor's Office of Equal Employment Opportunity or the Alaska State Commission for Human Rights.

COMPLAINT PROCEDURE

The Department's Title VI complaint procedure is applicable to all Department Program Areas.

The Title VI complaint procedure² for any person or group of people shall be to file a complaint in writing with the Department's Civil Rights Office. The complaint shall be adjudicated by the responsible Contracting Officer. Any appeal of the Contracting Officer's decision shall be made to the Deputy Commissioner of Operations. Any further appeal shall be resolved through FHWA, USDOT, or in the appropriate Court of Law.

The process that the Civil Rights Office shall follow to resolve the complaint is:

1. Within five (5) working days of receipt of the complaint, acknowledge receipt to the complainant by registered mail. The acknowledgment from the Civil Rights Office shall include a questionnaire requesting the following information:
 - a. Name, address, and telephone number of the complainant.
 - b. Name(s), and address(es) if available, of alleged discriminating organization(s)/individual(s).
 - c. Basis of complaint (i.e. race, color, gender, or national origin).
 - d. Date of alleged discriminatory act(s).
 - e. A statement of the complaint.
 - f. Any other agencies (state, local, or federal) with which the complaint has been filed.
2. Within five (5) working days of receipt of the complaint, notify the responsible Contracting Officer, the Section Chief for the Section implicated in the complaint, and the FHWA Division Office. This notification shall include the nature of the complaint, the date the complaint was received, and any action(s) proposed or already taken to resolve the complaint.
3. Within five (5) working days of receipt of the completed questionnaire, acknowledge receipt of the completed questionnaire to the complainant by registered mail.
4. Assure that the allegation is investigated by the DBE/ExEEO Office Title VI Specialist trained in compliance investigations involving violations of Title VI of the 1964 Civil Rights Act, as amended.
5. Prepare a Report of Findings for the responsible Contracting Officer.
6. Within forty-five (45) days of receipt of the completed questionnaire, notify the complainant of the decision reached by the responsible Contracting Officer including proposed disposition of the matter. The notification should advise the complainant of avenues for appeal if dissatisfied with the decision. The proposed resolution should require action adequate to correct and prevent similar occurrences of discrimination.
7. Within sixty (60) days of receipt of the completed questionnaire, provide the Division FHWA Office with a copy of the complaint and a report containing the following information:

² This complaint procedure is also enforceable under authority of the Civil Rights Restoration Act of 1987.

- a. The race, color, sex, or national origin of the complainant(s).
- b. The recipient of the complaint.
- c. The nature of the complaint.
- d. The date the complaint was filed and the date that the investigation was completed.
- e. The disposition and the date of the disposition.
- f. Other pertinent information.

8. Periodically inform the Division FHWA Office regarding the status of all complaints.

This procedure shall not prohibit informal attempts to resolve the matters, but such informal attempts and their results shall be included in the periodic report of investigations.

The fact that an allegation has been filed directly with the FHWA does not relieve the State, upon being informed of the allegation, of responsibility for taking action, pursuant to its own internal procedures, to resolve the matter.

PART III. APPENDICES

APPENDIX A. SAMPLE MONITORING FORMS

APPENDIX B. APPLICABLE STATE PROCEDURES, MANUALS & DIRECTIVES

APPENDIX C. ADDITIONAL FEDERAL AUTHORITIES

PART III. APPENDICES

APPENDIX A. SAMPLE MONITORING FORMS

PART III. APPENDICES

APPENDIX B. APPLICABLE STATE PROCEDURES, MANUALS & DIRECTIVES

STATE PROCEDURES, MANUALS, AND DIRECTIVES APPLICABLE TO FEDERAL-AID HIGHWAY PROGRAM AND TITLE VI.

1. Disadvantaged Business Enterprise (DBE) Handbook.
2. Construction Specification Section 120, DBE Program.
3. Policy & Procedure 10-0013, Legal Advertisement--Invitation for Bids.
4. Policy & Procedure 28-8000, Agreements for Professional Services.
5. Policy & Procedure 70-8001, Administration of Consultant Contracts.
6. Right-of-Way Manual

PART III. APPENDICES

APPENDIX C. ADDITIONAL FEDERAL AUTHORITIES

ADDITIONAL FEDERAL AUTHORITIES APPLICABLE TO TITLE VI

1. Title VIII of the Civil Rights Act of 1968
2. 23 United States Code 109(h)
3. DOT Order 1050.2